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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY
and AMARGOSA CONSERVANCY,

Plaintiffs,

vs.

DEBRA HAALAND in her official capacity
as Secretary of the Interior, TRACY STONE-
MANNING in her official capacity as the
Director of the Bureau of Land Management,
U.S DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT, and
NICHOLAS B. PAY in his official capacity
as Field Manager of the Bureau of Land
Management Pahrump Field Office,

Defendants.

Case No: 2:23-cv-1049-JAD-NJK

**ORDER GRANTING JOINT MOTION
FOR STAY OF CASE AND
WITHDRAWAL OF PRELIMINARY
INJUNCTION MOTION**

ECF Nos. 9, 14

1 Plaintiffs, the Center for Biological Diversity and the Amargosa Conservancy, along with
2 the Federal Defendants, U.S. Department of the Interior, Bureau of Land Management, et al.
3 (“BLM”), hereby jointly move for issuance by this Court of a stay of pending deadlines and
4 withdrawal without prejudice of Plaintiffs’ pending Motion for Preliminary Injunction and related
5 matters in this case.

6 Plaintiffs filed their complaint on July 7, 2023, challenging BLM’s review and
7 acknowledgement of the notice submitted by Rover Metals (USA) Inc. (Rover) pursuant to 43
8 C.F.R. 3809.21 for its “Let’s Go Lithium” exploration project (“Project”) (ECF No. 1).¹ Plaintiffs
9 filed a Motion for Preliminary Injunction on July 17, 2023 (ECF No. 9). Pursuant to the parties’
10 Joint Motion governing the PI process, Federal Defendants’ Response to Plaintiffs’ PI Motion is
11 due July 24, 2023, and Plaintiffs’ Reply is due July 28, 2023 (ECF No. 7).

12 On July 19, 2023, the Federal Defendants issued two Decisions to Rover: (1)
13 RESCISSION OF ACKNOWLEDGEMENT OF NOTICE AND REQUIREMENT FOR PLAN
14 OF OPERATIONS (Decision #1); and (2) RESCISSION OF DETERMINATION OF
15 REQUIRED FINANCIAL GUARANTEE FOR ONGOING OPERATIONS (Decision #2). Both
16 Decisions are attached.

17 Because BLM has rescinded both its acknowledgment of the notice and rescinded the
18 associated bond, Rover no longer has authorization to undertake the proposed exploration
19 activities challenged by Plaintiffs in their Complaint and the Motion for Preliminary Injunction
20 and Rover’s operations cannot proceed.

21 Because BLM has rescinded its acknowledgment of the notice and rescinded the bond, no
22 ground-disturbing activities can take place at this time; consequently, there is no current need for
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26 ¹ Plaintiffs and the Federal Defendants dispute the terminology regarding BLM’s actions
27 regarding Rover’s Notice of Intent, more specifically whether BLM “acknowledged” Rover’s NOI
or whether BLM “approved” operations under the NOI. However, that dispute does not affect this
Joint Motion and need not be resolved due to the current situation.

1 this Court to consider Plaintiffs' PI Motion. As noted in both Decisions, Rover has the right to
 2 administratively appeal or otherwise seek review of BLM's Decisions. In the event that Rover
 3 appeals or otherwise seeks review of BLM's Decisions, and if BLM's Decisions are stayed,
 4 overturned, or amended, the Project may return to its previous status and Plaintiffs may need to
 5 again seek preliminary injunctive relief from this Court. However, Plaintiffs hereby agree to
 6 withdraw their PI Motion, provided such withdrawal is without prejudice and with leave to refile
 7 a new or amended PI Motion, depending on whether there is any appeal or review of BLM's
 8 Decisions and the results of such an appeal or review. Plaintiffs also reserve the right to amend
 9 their Complaint accordingly.

10 The Federal Defendants have agreed to provide Plaintiffs' counsel with written notice, via
 11 email, of any appeal by Rover of BLM's Decisions. Such notice will be provided within 3
 12 business days of BLM's receipt of any such appeal or action by Rover Metals.

13 Further, in light of BLM's Decisions, the parties request that the Federal Defendants'
 14 obligation to file their Answer to Plaintiffs' Complaint be stayed.

15 The parties propose to submit a Status Report within 60 days of this Court's approval of
 16 this Joint Motion, and will apprise the Court of any developments in the case.

17 Accordingly, for the foregoing reasons, the parties respectfully request that this Court
 18 adopt the parties' proposed plan and related matters in this case.

19
 20 Dated July 21, 2023

Respectfully submitted,

21 /s/ Scott Lake

22 Scott Lake

23 Center for Biological Diversity

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26 /s/ Roger Flynn

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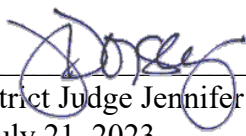
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15 **ORDER**

16 The parties having shown good cause for their stipulated stay and the plaintiff's withdrawal of the
17 pending motion for preliminary injunction as a result of post-filing developments, IT IS ORDERED that
18 the joint motion [ECF No. 14] is **GRANTED**. The motion for preliminary injunction [ECF No. 9] is
19 **deemed withdrawn and all deadlines related to it are vacated. This action is STAYED** for all
20 purposes. The Clerk of Court is directed to **ADMINISTRATIVELY CLOSE THIS CASE**. Status
21 report is due in 60 days. Should any party desire further court action in this case, that party must file a
22 motion to lift this stay.

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U.S. District Judge Jennifer A. Dorsey
Dated: July 21, 2023